

Environmental Clearance Application
Initial Study

YOUNG PROPERTY
Planned Development Zoning (PDC04-057)
and
Tentative Map

Application by
Patrick and Patti Young

December 17, 2004

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City of San Jose

Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San Jose, CA 95110
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ENVIRONMENTAL CLEARANCE APPLICATION

TO BE COMPLETED BY PLANNING DIVISION STAFF		
FILE NUMBER:		RECEIPT #: _____
ND GRANTED:	EIR REQUIRED:	DATE: _____
PROJECT MANAGER:	ENVIRONMENTAL COORDINATOR:	AMOUNT: _____
		BY: _____
NOTES:		

I. PROJECT DESCRIPTION

A. GENERAL INFORMATION

Applicant:	Patrick and Patti Young P.O. Box 20112 San Jose, CA 95160 408-997-1602
Property Owner:	Patrick and Patti Young 23735 McKean Road San Jose, CA 95141 408-997-1602
Environmental Consultant:	Mindigo & Associates 1984 The Alameda San Jose, CA 95126 408-554-6531, (fax) 408-554-6577
Name of Project:	YOUNG PROPERTY Planned Development Zoning and Tentative Map
Location of Project:	Westerly side of McKean Road, approximately 1.5 miles south of Bailey Avenue (23735 McKean Road)
Brief Description of Project:	A 2-lot single family detached residential subdivision on approximately 89.3 gross acres
Assessor's Parcel Number(s):	742-11-011

- ___ Click here for [BAY AREA MAP](#) (Figure 1)
- ___ Click here for [USGS MAP](#) (Figure 2)
- ___ Click here for [VICINITY MAP](#) (Figure 3)
- ___ Click here for [ASSESSOR'S PARCELS MAP](#) (Figure 4)
- ___ Click here for [AERIAL PHOTO OF THE SITE](#) (Figure 5)
- ___ Click here for [VIEW OF THE SITE](#) (Figure 6)
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- ___ Click here for [VIEW OF THE SITE](#) (Figure 8)
- ___ Click here for [VIEW OF THE SITE](#) (Figure 9)
- ___ Click here for [VIEW OF THE SITE](#) (Figure 10)

B. PROJECT OBJECTIVE

The objective of this project is to subdivide the site to allow the construction of one additional single family home, in accordance with the goals and policies of the City of San Jose. The applicant believes that there is a market for an additional home in this area.

C. DESCRIPTION

Planned Development Zoning

The Planned Development (PD) Zoning application rezones the site for two single family lots. The proposed zoning designates the additional homesite, driveway location and leachfield areas. The Conceptual Grading Plan shows the conceptual grading for the driveway. The home is to be custom designed and is not being proposed at this time. The Project Data table and reduced copies of the project plans follow. Full-size copies are available for review at the City of San Jose Department of Planning, Building and Code Enforcement.

Tentative Map

The Tentative Map application subdivides the site to allow the construction of one additional single family detached residential unit. Parcel 1 and Parcel 2 each contain 44.63 acres. A reduced copy of the Tentative Map, Figure 14, follows; and a full-size copy is available for review at the City of San Jose Department of Planning, Building and Code Enforcement.

Slope Density Calculations

Calculations using the Hillside Slope Density Formula that were performed to determine the number of lots allowable on the site are included in the Appendix. A total of two lots are allowed on the site based on the calculations.

Access

Access is from an existing driveway off McKean Road for the existing home on Parcel 1, that would be extended to the proposed residence along an existing unpaved fire service road.

Parking

Off-street parking for the proposed residence is to be provided in a garage and on the driveway apron.

Exterior Lighting

Normal exterior household lighting is to be provided with the future residence.

Utilities

All utilities required to serve the project, as further described in the following Utilities and Service Systems section, would be provided with the project.

Demolition

There are no existing structures on the project site to be demolished.

Hazardous Materials

Hazardous materials other than those for normal household and yard use will not be used as a part of the operation of any of the establishments on the project site.

Grading

Grading planned for the proposed driveway is shown on the following Conceptual Grading Plan, Figure 13; any additional lot grading would depend on the future home design. The final lot and driveway grading for the project is to be designed to conform to the existing roadway and natural ground as closely as possible. The amount of grading planned is expected to be the minimum required to provide a private driveway that meets requirements for structural section and rate of grade, and to allow the construction of a building pad with positive drainage. In addition to the lot and driveway excavation, trenching is required for the underground utilities and septic tank systems.

Tree Removal

There are numerous existing trees onsite, none of which is planned to be removed, as further discussed in the following Biological Resources section.

Public Improvements

There are no public improvements planned with this project.

Public Land Reservations

There are no public land reservations with this project.

Community Meeting

A community meeting to discuss the proposed project with neighbors has not been held; however, the applicant has discussed the project with the immediate neighbors and mailed letters to other surrounding property owners.

Other Related Permits

In addition to the proposed Planned Development (PD) Zoning and Tentative Map, other related permits to be obtained from the City of San Jose and/or any other public agency approvals required for this project by other local, State or Federal agencies are as follows:

Agency	Permit/Approval
City of San Jose	PD Permit, Final Map, Grading Permit, Design Review Permit (if required), Building Permit

Table 1. Project Data

Category	Figure
Gross and Net Acreage	
Parcel 1	44.63
Parcel 2	<u>44.63</u>
Total	89.26
Number of Single Family Detached Homes	
Existing	1
Proposed	<u>1</u>
Total	2
Maximum Building Height (<i>feet</i>)	35
Estimated New Population *	4
Estimated School Children K-12 (<i>0.7</i>)	1
Density (<i>units/gross and net acre</i>)	2 / 89.3 = 0.02

* Based on 2000 Census average of 3.50 persons per SFD dwelling unit.

Click here for [LAND USE PLAN](#)
(FIGURE 11)

Click here for [CONCEPTUAL SITE PLAN](#)
(FIGURE 12)

Click here for [CONCEPTUAL GRADING PLAN](#) – Parcel 1
(FIGURE 13a)

Click here for [CONCEPTUAL GRADING PLAN](#) – Parcel 2
(FIGURE 13b)

Click here for [TENTATIVE MAP](#)
(FIGURE 14)

II. ENVIRONMENTAL SETTING, IMPACT CHECKLIST AND MITIGATION

1. AESTHETICS

SETTING

The current view of the project site consists of hillside open space, oak woodland, and one single family residence, which can be seen in the preceding photographs, Figures 7 through 11.

Scenic Route

McKean Road is designated as a Rural Scenic Corridor, which is described in the General Plan as follows:

Scenic Routes

“San Jose possesses outstanding scenic qualities in both its urban and rural communities. These qualities require a consistent plan to preserve and enhance the environment and to provide for convenient access and attractive linkages through and between areas of significant scenic value.

Outstanding scenic areas located throughout the community include expanses of undevelopable land, hillside areas, major parks and urban centers. There is a need to provide physical and visual linkages between such areas. In addition, striking views exist along many major roadways entering the city. Design of these entryways should incorporate attractive landscaping and exceptional architectural qualities.

The integrated system of scenic routes illustrated on the Scenic Routes and Trails Diagram serves four major functions:

- Pleasure Travel: Well designed and attractively landscaped roadways, with appropriate separations of movement making travel through and around the City a pleasant experience for its own sake.*
- Access: Convenient and attractive access from all parts of the City to major urban centers, pastoral rural areas, regional parklands, streamside parks, nature preserves, hillside areas, the Bay and baylands.*
- Environmental Protection: Designation of corridors along scenic roads to preserve immediate scenic qualities and enrich distant views.*
- Community Image: Refinement of community image through easily identifiable scenic routes lacing the City and connecting major points of reference and creation of a greater awareness of the City and its environmental heritage.*

There are two types of scenic routes designated on the Scenic Routes and Trails Diagram. They are Rural Scenic Corridors and Urban Throughways and are defined as follows:

***Rural Scenic Corridors** are generally located in rural and open space areas of significant scenic value. There are no precise criteria to delineate the boundaries of Rural Scenic Corridors. However, these Corridors can be defined as the scenic route right-of-way plus the landscape visible on either side of that right-of-way. The presence of outstanding visual resources should also be considered in determining the Rural Scenic Corridor boundary. The visual field, the angle and speed at which certain features come into view and the road design and geometrics are all important factors.*

Permitted land uses in Rural Scenic Corridors should be limited to well landscaped campus industrial uses, single-family residences, agriculture, parks, trails, and other open space uses in order to preserve the natural scenic resources. Bridges and other public improvements should blend with the natural terrain.

Signs located within Rural Scenic Corridors should be of a size, height, and design that do not restrict or impair the subject view but are the minimum dimensions necessary for identification. Billboards in these rural areas should be discouraged.

In addition to the preservation of the area's viewsheds, view turnouts, rest areas and, where appropriate, picnic facilities could be provided to enhance and develop these corridors to their best potential. The design of these facilities should incorporate safe accessibility and appropriate grade separation from the roadway."

The project site is visible in the distant horizon approximately two miles away, from southbound McKean Road north of Bailey Avenue. The distant views from this area are open grasslands and wooded hillsides. The site is not visible from southbound McKean Road, south of Bailey Avenue, due to intervening topography and vegetation. Topography and vegetation also block the view of the site on northbound McKean Road coming from the south near Casa Loma Road.

Hillside Development Policies

There are several Hillside Development policies that govern the visual impacts to the project site. They include:

Hillside Development Policy No. 4

"The City should continue to apply strong architectural and site design controls on all types of hillside development for the protection of the hillsides and to minimize potential adverse visual and environmental impacts."

Hillside Development Policy No. 6

"In general, grading on hillsides should be minimized. When grading or recontouring of the terrain is necessary, it should be designed to preserve the

natural character of the hills and to minimize the removal of significant vegetation.”

Hillside Development Policy No. 8

“Construction techniques and housing types adaptable to a variable terrain, such as cluster housing, split pads and stepped foundations, should be utilized on sloped sites. Conventional, single flat-pad construction is discouraged.”

Hillside Development Policy No. 9

“Consideration should be given to the siting of homes for privacy, livability, adequate solar access and wind conditions. Siting should take advantage of scenic views but should not create significant visual impacts affecting public places and other properties.”

Hillside Development Policy No. 10

“The preservation of existing trees, rock outcroppings and other significant features is encouraged.”

Hillside Development Policy No. 12

“The City encourages the preservation of hillside vegetation and, if vegetation must be removed, it should require appropriate revegetation and planting projects in hillside areas.”

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on aesthetics if it would:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway.
- Substantially degrade the existing visual character or quality of the site and its surroundings.
- Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.
- Increase the amount of shade in public and private open space on adjacent sites.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
1. AESTHETICS. Would the project:					
a. Have a substantial adverse effect on a scenic vista?			X		25,26,27
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway?			X		25, 26,27,29
c. Substantially degrade the existing visual character or quality of the site and its surroundings?		X			25,26,27

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
1. AESTHETICS (Cont.). Would the project:					
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?			X		25,26,28
e. Increase the amount of shade in public and private open space on adjacent sites?				X	25,26,28

The current view of the site consists of hillside open space, oak woodland, and one single family residence as shown on the preceding photographs, Figures 7 through 11. The project would change the view of the site from hillside open space, oak woodland, and one single family residence to hillside open space, oak woodland, and two single family residences. There are no trees where the planned roadway extension, leachfield, or homesite are proposed, so the project would not require any tree removal. The only vegetation affected would be grassland. The project would not have a significant impact on the character of the area.

The project site is visible in the distance approximately two miles away, from McKean Road, a Rural Scenic Corridor. Single family residences are allowed within the corridor, and the proposed home would not create a significant visual impact.

At the PD Permit stage, when specific plans for the home are provided, architecture and site design, grading, split-level design, and landscaping will all be taken into account in accordance with the above Hillside Development policies.

Light and Glare

The project could potentially produce offsite light and glare. Normal exterior household lighting would be provided with the future residence. The project's impacts on light and glare would be less-than-significant.

Temporary Construction Visual Impacts

Construction of a typical project causes short-term visual impacts. The grading operations create a visual impact, and construction debris, rubbish and trash can accumulate on construction sites and are unsightly if visible from public streets. The completion of the project improvements and landscaping would eliminate the short-term visual impacts of the grading and construction operations.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Project Measures

- The design of the home shall be reviewed in accordance with the General Plan Hillside Development Policies 4, 6, 8, 9, 10, and 12.

Temporary Construction Visual Impacts

- Public streets that are impacted by project construction activities shall be swept and washed down daily.
- Debris, rubbish and trash shall be cleared from any areas onsite that are visible from a public street.

2. AGRICULTURE RESOURCES

SETTING

Important Farmlands

The *Santa Clara County Important Farmland Map*, prepared by the California Department of Conservation and the USDA Soil Conservation Service, classifies land in seven categories in order of significance: 1) prime farmland, 2) farmland of Statewide importance, 3) unique farmland, 4) farmland of local importance, 5) grazing land, 6) urban and built-up land and 7) other land. The project site is classified as "grazing land," which is defined as land on which the existing vegetation, whether grown naturally or through management, is suited to the grazing of livestock.

Williamson Act

The project site is under a Williamson Act contract. The California Land Conservation Act ("Williamson Act") was enacted to help preserve agricultural and open space lands via a contract between the property owner and the local jurisdiction. Under the contract, the owner of the land agrees not to develop the land in exchange for reduced property taxes. The Act allows one residence on the land and requires a minimum parcel size of 40 acres.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on agriculture resources if it would:

- Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
2. AGRICULTURE RESOURCES. Would the project:					
a. Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	30,31
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	32,58

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
2. AGRICULTURE RESOURCES (Cont.). Would the project:					
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X	25,26,28

Important Farmlands

The project site is classified as grazing land on the *Important Farmland Map* for Santa Clara County. Since the site is not classified as farmland, the project would not have a significant impact on agricultural land.

Williamson Act

The project site is under a Williamson Act contract. No changes to the contract are planned, as each parcel, after the proposed subdivision, would have more than 40 acres.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

3. AIR QUALITY

SETTING

Bay Area Air Quality Management District

The project site is located in the Bay Area Air Quality Management District (BAAQMD). The District includes seven Bay Area counties and portions of two others. Air quality emission and control standards are established by the BAAQMD and the California Air Resources Board, and by the Environmental Protection Agency (EPA) at the Federal level. These agencies are responsible for developing and enforcing regulations involving industrial and vehicular pollutant emissions, including transportation management and control mitigation measures.

Regional Climate

The air quality of a given area is not only dependent upon the amount of air pollutants emitted locally or within the air basin, but also is directly related to the weather patterns of the region. The wind speed and direction, the temperature profile of the atmosphere, and the amount of humidity and sunlight determine the fate of the emitted pollutants each day, and determine the resulting concentrations of air pollutants defining the “air quality.”

The Bay Area climate is Mediterranean, with mild, rainy winters November through March, and warm, sunny and nearly dry summers June through September. Summer temperature inversions trap ground level pollutants. Winter conditions are less conducive to smog, but thin evening inversions sometimes concentrate carbon monoxide emissions at ground level.

Air Quality Standards

The U.S. Environmental Protection Agency (U.S. EPA) and the California Air Resources Board have both established ambient air quality standards for common pollutants to avoid adverse health effects from each pollutant. The pollutants, which include ozone, carbon monoxide (CO), nitrogen dioxide, and particulate matter (PM₁₀ and PM_{2.5}), and their standards are included in the Local Air Quality table that follows.

Regional Air Quality

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as “nonattainment areas”. In June of 1998, the U.S. EPA reclassified the Bay Area from “maintenance area” to nonattainment for ozone based on violations of the federal standards at several locations in the air basin. This reversed the air basin’s reclassification to “maintenance area” for ozone in 1995. Reclassification required an update to the region’s federal air quality plan.

Under the California Clean Air Act, Santa Clara County is a nonattainment area for ozone and particulate matter (PM₁₀). The county is either attainment or unclassified for the other pollutants. The California Clean Air Act requires local air pollution control districts to prepare air quality attainment plans; these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods or, if not, provide for adoption of “all feasible measures on an expeditious schedule”.

Local Air Quality

Air quality in the project area is subject to the problems experienced by most of the Bay Area. Emissions from millions of vehicle-miles of travel each day often are not mixed and diluted, but are trapped near ground level by an atmospheric temperature inversion. Prevailing air currents generally sweep from the mouth of the Bay toward the south, picking up and concentrating pollutants along the way. A combination of pollutants emitted locally, the transport of pollutants from other areas, and the natural mountain barriers (the Diablo Range to the east and the Santa Cruz Range to the southwest) produce high concentrations. Air quality data from the last three years at the nearest BAAQMD monitoring station in San Jose, and Federal and State standards, are shown in the following table.

Table 2. Local Air Quality

Pollutant	Standard	Days Exceeding Standard		
		2001	2002	2003
OZONE				
State 1-hour	0.09 ppm	2	na*	4
Federal 1-hour	0.12 ppm	0	na*	0
Federal 8-hour	0.08 ppm	0	na*	0
CARBON MONOXIDE				
State/Federal 8-hour	9.0 ppm	0	0	0
NITROGEN DIOXIDE				
State 1-hour	0.25 ppm	0	0	0
PARTICULATE MATTER (PM ₁₀)				
State 24-hour	50 µg/m ³	4	2	3
Federal 24-hour	150 µg/m ³	0	0	0
PARTICULATE MATTER (PM _{2.5})				
Federal 24-hour	65 µg/m ³	na**	0	0

ppm = parts per million

µg/m³ = micrograms per cubic meter

SOURCE: Bay Area Air Quality Management District monitoring data for San Jose.

* The San Jose 4th Street monitoring station was closed for relocation on April 30, 2002, and reopened as San Jose Central on October 5, 2002. Ozone statistics for 2002 are not available.

** 2002 is the first year reporting PM_{2.5} statistics.

Project Site

The project site is similar to other locations in the South Bay; air quality meets adopted State and/or Federal standards (the more stringent standard applies) on most days, and during periods when regional atmospheric conditions are stagnated, the air quality is poor throughout the extended South Bay area. There are no existing sources on the project site that currently adversely affect local air quality.

Sensitive Receptors

Sensitive receptors are facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child care centers, retirement homes, convalescent homes, hospitals and medical clinics. The closest sensitive receptors are the rural residences located north and south of the project site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on air quality if it would:

- Conflict with or obstruct implementation of the applicable air quality plan.
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).
- Expose sensitive receptors to substantial pollutant concentrations.
- Create objectionable odors affecting a substantial number of people.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
3. AIR QUALITY. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?			X		29,34
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X			26,34
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?			X		26,34

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
3. AIR QUALITY (Cont.). Would the project:					
d. Expose sensitive receptors to substantial pollutant concentrations?				X	28,34
e. Create objectionable odors affecting a substantial number of people?				X	26,28

Project Impacts

For most types of development projects, motor vehicles traveling to and from the project represent the primary source of air pollutant emissions associated with the project. The BAAQMD has established thresholds of significance for these indirect impacts from projects on local and regional air quality. An air quality analysis is recommended when vehicle emissions of carbon monoxide (CO) exceed 550 lbs/day; and if a project generates over 80 lbs/day of reactive organic gases (ROG), nitrogen oxides (NO_x) or suspended particulate matter (PM₁₀), it would have a significant air quality impact. The District has also developed sizes or activity levels for various types of land use, using default values, that would exceed the threshold of significance for NO_x (80 lbs/day). For single family residential, the size is 320 units. The proposed 1-unit project is substantially below that level and, therefore, would not have a significant air quality impact.

Odors

The project would not generate objectionable odors or place sensitive receptors adjacent to a use that generates odors (i.e., landfill, composting, etc.).

Temporary Construction Air Quality

Project construction would produce short-term fugitive dust generated as a result of soil movement and site preparation. Construction would cause dust emissions that could have a significant temporary impact on local air quality. Fugitive dust emissions would be associated with site preparation activities, such as excavation and grading, and building construction. Dust emissions would vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Particulates generated by construction are recognized, but small, contributing sources to regional air quality. While it is a potential impact, construction dust emissions can be mitigated by dust control and suppression practices that are appropriate for the project and level of activity.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Project Measures

Temporary Construction Air Quality

- The following construction practices shall be implemented during all phases of construction for the proposed project: 1) water all active construction areas at least twice daily or as often as needed to control dust emissions; 2) cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard; 3) apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas during construction of the site; 4) sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust; 5) sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material; 6) hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); 7) enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust; 8) limit traffic speeds on unpaved roads to 15 mph; 9) install sandbags or other erosion control measures to prevent silt runoff to public roadways; and 10) replant vegetation in disturbed areas as quickly as possible.

4. BIOLOGICAL RESOURCES

Live Oak Associates, Inc. conducted a biotic assessment that is included in the Technical Appendix.

SETTING

Field surveys were conducted on the project site on March 19, 2004 and on April 28, 2004, at which time the principal biotic habitats of the site were identified and the constituent plants and animals of each were noted.

VEGETATION

Habitat Areas

Three biotic habitats were identified on the site: 1) coast live oak/blue oak woodland, 2) non-native grassland, and 3) serpentine rock outcropping. Their general locations are shown on the following Habitat Areas map. The biotic habitats were only mapped for Parcel 2, and a small portion of Parcel 1 in the area where the existing earthen fire service road would be paved for the proposed driveway. Parcel 1 is already developed; extensive mapping of the majority of this parcel was unwarranted.

Coast Live Oak/Blue Oak Woodland

The majority of the site, approximately 37 acres, consists of coast live oak/blue oak woodland. This biotic habitat supports a diversity of trees and shrubs. There are also three small intermittent drainages that traverse the site. The dominant tree species observed in this habitat include coast live oak and blue oak, with some valley oaks and California bay laurels. The dominant shrub species is poison oak, with some California buckeye, coyote brush, sage brush, California blackberry, and bigberry manzanita. Species endemic of serpentine habitats are absent from this portion of the site regardless of the fact that the underlying soils are mapped as being serpentine.

Non-native Grassland

A little over 6 acres of non-native grassland habitat were found along the southern boundary of the site and the fire service access road. Grass species observed in this habitat were ripgut, slender oats, soft chess, barnyard barley, Harding grass, and fescue. Other species observed were miners lettuce, bur-clover, catchweed bedstraw, California poppy, yarrow, pink star thistle, yellow star thistle, fiddleneck, white-stem filaree, rose clover, California buttercup, and Ithuriel's sphere.

Serpentine Rock Outcropping

There is a small area (0.30 acre) of serpentine rock outcropping habitat. This portion of the site is considered to be a serpentine inclusion; the mapped soils do not show this area as having serpentine bedrock. This habitat consists of some of the same plant species as the non-native

Click here for [HABITAT AREAS MAP](#)
(FIGURE 15)

8 1/2 X 11

COLOR

grassland; however, this area contains a predominance of native species with a mix of stunted non-native species. Native species found in this habitat that are commonly found on serpentine areas include soap plant, flaccid cryptantha, common peppergrass, and slender cottonweed.

Special-Status Plant Species

Several species of plants within the State of California have low populations, limited distributions, or both. Such species may be considered “rare” and are vulnerable to extirpation as the state’s human population grows and the habitats these species occupy are converted to agricultural and urban uses. State and Federal laws have provided the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting the diversity of plant species native to the state. A number of native plants have been formally designated as threatened or endangered under State and Federal endangered species legislation; others have been designated as “candidates” for such listing. Still others have been designated as “species of special concern” by the CDFG. The California Native Plant Society (CNPS) has developed its own set of lists of native plants considered rare, threatened or endangered. Collectively, these plants are referred to as “special status species.”

A number of special-status plants occur in the vicinity of the project site. These species, and their potential to occur on the project site, are listed in the report in the Technical Appendix. Of the 26 special-status plant species occurring within the project vicinity, 23 are considered absent from the site. Three special-status plant species could occur on the project site: the serpentine rock outcropping provides suitable habitat for Tiburon buckwheat, smooth lessingia, and woolly-headed lessingia. Due to the dry winter and spring, plants are blooming earlier than typical; therefore, smooth lessingia and woolly-headed lessingia would have been evident during the late-April survey, if present. Site surveys were not conducted during the blooming period of the Tiburon buckwheat; therefore it is not possible to presently determine its presence or absence.

Regulated Habitats

Wetlands

The U.S. Army Corps of Engineers (Corps), under provisions of Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899), has jurisdiction over areas that satisfy the definition of “Waters of the United States” (jurisdictional waters), including natural drainage channels and wetlands. The extent of jurisdiction within drainage channels is defined by “ordinary high water marks” on opposing channel banks. Wetlands are habitats with soils that are intermittently or permanently saturated, or inundated; the resulting anaerobic conditions select for plant species known as hydrophytes that show a high degree of fidelity to such soils. Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils saturated intermittently or permanently saturated by water) and wetland hydrology according to 1987 Corps methodologies.

Construction activities within jurisdictional waters are subject to the permit requirements of the Corps. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that results in no net loss of wetland functions or values. Similarly, activities that result in the diversion or obstruction of the natural flow of a stream, or that substantially change its bed, channel or bank, or that utilize any materials (including vegetation) from the streambed requires a Streambed Alteration Agreement with the California Department of Fish and Game under Sections 1601 and 1603 of the State Fish and Game Code. Such an Agreement typically stipulates that certain measures will be implemented that protect the habitat values of the drainage in question.

Areas under the jurisdiction of the Corps and CDFG are absent from the portions of the site that are proposed for development. There are three drainages on Parcel 2 that would likely be jurisdictional; however, they are outside the proposed development area.

Riparian Corridors

The Riparian Corridor Policy of the City of San Jose discusses the importance of riparian corridors, how they may be at risk, and how they should be protected. The Policy primarily addresses riparian corridors within the Urban Service Area (USA) based on an assumption that corridors outside the USA enjoy substantial General Plan policy protection and are not typically subject to damage from urban development. It is the City's intent, however, that any development outside the USA and not subject to specific General Plan direction regarding riparian protection should be subject, at a minimum, to the development guidelines in this policy. The Riparian Corridor Policy indicates that *"All buildings, other structures (with the exception of bridges and minor interpretive node structures), impervious surfaces, outdoor activity areas (except for passive or intermittent activities) and ornamental landscaped areas should be separated a minimum of 100 feet from the edge of the riparian corridor (or top of bank, whichever is greater)."* The three drainages on Parcel 2 would possibly be under the jurisdiction of the City's Riparian Corridor Policy.

Trees

The City's Tree Ordinance serves to protect all trees having a trunk that measures 18 inches in diameter (56 inches in circumference) or greater at a height of 24 inches above the natural grade of slope. The Ordinance covers both native and non-native species. Approval is required from the City for the removal of Ordinance-sized trees. Additionally, any tree found by the City Council to have special significance can be designated as a Heritage Tree, regardless of tree size or species; it is unlawful to vandalize, mutilate, remove or destroy such Heritage Trees. The City also requires, prior to the issuance of any approval or permit for construction of any improvement, that all trees on a project site be inventoried and categorized according to size, species, and location. A detailed tree survey was not conducted for this project, but many of the trees onsite would qualify as Ordinance-sized.

WILDLIFE

Habitat Areas

Coast Live Oak/Blue Oak Woodland

The structural diversity of the woodland habitat and the proximity to a number of other habitat types are the primary reasons why the species richness and diversity of wildlife are relatively high in the area. Thick leaf litter and decaying logs provide a moist microclimate suitable for amphibians and reptiles. Species expected to occur in this habitat include the ensatina, arboreal salamander, California slender salamander, western fence lizard, southern alligator lizard, and western toad. The only herp species observed during the field surveys was a single western fence lizard.

A number of bird species were observed during the field surveys. These include the black phoebe, northern flicker, California quail, western scrub jay, swallow, dark-eyed junco, bushtit, and red-tailed hawk. Other species that are expected to reside on the site include the Stellar's jay, ash-throated flycatcher, and chestnut-backed chickadee. Winter migrants that may pass through the site include Townsend's and yellow-rumped warblers and ruby-crowned kinglets. Summer migrants breeding here could include orange-crowned warblers, black-headed grosbeaks, and warbling vireos.

There is an abundant food source for many mammalian species within the woodland habitat. Evidence of Botta's pocket gopher, California vole, coyote, and San Francisco dusky-footed woodrat were observed during the field visit. Species not observed, but are known to occur in the area, include the California mouse, which may frequently feed on oak acorns and seeds of the California bay laurel, western gray squirrel, brush rabbit, gray fox, raccoon, bobcat, and black-tailed deer.

Non-native Grassland

This habitat makes up a relatively small portion of the project site, but is a habitat that is regionally abundant. Animal species expected to occur in the woodland habitat would also be expected to frequent the grassland habitat due to the relative size of the grassland and the proximity to the woodland habitat. Some of the species that are expected to reside in this habitat would be Botta's pocket gopher, California vole, western fence lizard, alligator lizard, and a number of the avian species that would occur in the woodland habitat.

Serpentine Rock Outcropping

As with the non-native grassland, due to the small size of this habitat, the animal species expected to occur in the woodland habitat would also be expected to frequent the serpentine areas. The wildlife species that are expected to occur in this habitat would be consistent with those found in the non-native grassland and woodland due to the close proximity of these habitats.

Special-Status Animal Species

Several species of animals within the State of California have low populations, limited distributions, or both. Such species may be considered “rare” and are vulnerable to extirpation as the State’s human population grows and the habitats these species occupy are converted to agricultural and urban uses. State and Federal laws have provided the California Department of Fish and Game and the U.S. Fish and Wildlife Service with a mechanism for conserving and protecting the diversity of animal species native to the state. A number of native animals have been formally designated as threatened or endangered under State and Federal endangered species legislation; others have been designated as “candidates” for such listing. Still others have been designated as “species of special concern” by the CDFG. Collectively, these animals are referred to as “special status species.”

A number of special-status animals occur in the vicinity of the project site. These species, and their potential to occur on the project site, are listed in the report in the Technical Appendix. Of the 29 special-status animal species occurring, or once occurred, regionally, 11 species would be absent or unlikely to occur on the project site. Others would rarely or occasionally occur onsite as transients or migrants; these include peregrine falcon, sharp-shinned hawk, merlin, prairie falcon, California yellow warbler, black swift, Vaux’s swift, Townsend’s big-eared bat, California mastiff bat, and pallid bat. None of these species is expected to breed onsite and would only rarely occur onsite, usually during migration or as winter transients.

The remaining special-status animal species potentially occur more frequently as regular foragers, transients, or may be resident on the site, one of which was found to be present on the site. These include the white-tailed kite, northern harrier, Cooper’s hawk, golden eagle, California horned lark, loggerhead shrike, and ringtail. Stick nests built by the San Francisco dusky-footed woodrat were observed in the coast live oak/blue oak woodland along the three drainages.

Raptors

All raptors (i.e., eagles, hawks and owls) and their nests are protected under both Federal and State regulations. The Federal Migratory Bird Treaty Act prohibits killing, possessing or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This Act encompasses whole birds, parts of birds and bird nests and eggs. Birds of prey are protected in California under the State Fish and Game Code. Section 3503.5 states that it is “*unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.*” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “taking” by the CDFG. Any loss of fertile eggs or nesting raptors, or any activities resulting in nest abandonment would constitute a significant

impact. Construction activities such as tree removal, site grading, etc., that disturb a nesting raptor onsite or immediately adjacent to the site constitute a significant impact.

Large trees such as coast live oak, valley oak, blue oak, and California bay laurel provide nesting habitat for raptors.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
4. BIOLOGICAL RESOURCES. Would the project:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			25,60,85
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X		25,73,85

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
4. BIOLOGICAL RESOURCES (Cont.). Would the project:					
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption or other means?		X			25,85
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		25,85
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X			29,37,85
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X	25,29,85

Loss of Habitat

Coast live oak/blue oak woodland, non-native grassland, and serpentine rock outcropping habitats occur within the project site, which includes Parcel 2 and the western-most portion of the existing fire service road on Parcel 1. The majority of proposed disturbance would occur within the non-native grassland habitat, with only a small amount of disturbance within the serpentine rock outcropping habitat; there would be no direct impact to the coast live oak/blue oak woodland habitat. The areas that would be affected by the proposed improvement are shown on the preceding Habitat Areas map, Figure 15, and the acreages are shown in the following table.

Table 3. Habitat Impacts*

Habitat Type	Total Acreage of Habitat Onsite	Acreage of Habitat within Development Zone
Parcel 1		
Non-native Grassland	1.29	0.10
Parcel 2		
Coast Live Oak/Blue Oak Woodland	38.66	0.00
Non-native Grassland	5.67	0.23
Serpentine Rock Outcropping	<u>0.30</u>	<u>0.04</u>
	44.63	0.27
Total	45.92	0.37

* Approximate.

Impacts to Special-Status Plant Species

Out of the 27 special-status plant species that could occur in the project vicinity, only three may occur on the project site: Tiburon buckwheat, woolly-headed lessingia, and smooth lessingia. These three species, which are endemic to serpentine soils, were not surveyed for during the April field visit due to the fact that they are late blooming species. Two of these species, the Tiburon buckwheat and woolly-headed lessingia, are classified as CNPS 3, which is defined as plants about which more information is needed. These species are not of great concern due to their relatively low CNPS status; they have also not been observed on serpentine sites within three miles of the project site. The smooth lessingia is a CNPS 1B species, which is defined as plants that are rare, threatened, or endangered in California and elsewhere. During the April field visit, a single plant skeleton was found that may have been evidence of last year's smooth lessingia; however, by late spring, this year's young plants should have been present, which was not the case.

At this time it cannot be ruled out that the Tiburon buckwheat, woolly-headed lessingia, and smooth lessingia are absent from the site within the serpentine rock outcropping habitat. It has been determined that, even if any of these three species were present, the impact to their population would be less-than-significant. The Tiburon buckwheat and woolly-headed lessingia are not considered to be species at great risk due to their CNPS status, the general lack of occurrences regionally, and the extremely small loss (0.04 acres) of potentially suitable habitat for the installation of the leachfield. The smooth lessingia has a higher level of concern; however, it is a relatively common serpentine species in the region. It can be found on the majority of serpentine sites in Santa Clara County. Therefore, the loss of 0.04 acre of habitat would not pose a significant impact to this species. No mitigation would be required.

Disturbance to Waters of the U.S. or Riparian Habitats

The proposed project would not directly affect any waterways or riparian habitats under the jurisdiction of the Corps or CDFG. Therefore, the project would result in a less-than-significant impact to Waters of the U.S. No mitigation would be required.

The three drainages on Parcel 2 would possibly be under the jurisdiction of the City's Riparian Corridor Policy. Proposed project construction would occur greater than 100 feet from the drainages on the site; therefore, there would not be any significant impacts according to the Riparian Corridor Policy Study. No mitigation would be required.

Degradation of Water Quality in Seasonal Drainages or Downstream Waters

Site development would require the construction of a building pad, driveway and leachfield. Construction of this kind requires grading that can leave the soil barren of vegetation and vulnerable to sheet, rill or gully erosion. Eroded soil is generally carried as sediment in surface runoff to be deposited in natural drainages or wetlands. Furthermore, urban runoff is often polluted with grease, oil, residues of pesticides and herbicides, heavy metals, etc. These

pollutants may eventually be carried to sensitive wetland habitats used by a diversity of native wildlife species; such deposition would be considered a potentially significant adverse environmental impact. Mitigation measures necessary to reduce potential project-related impacts on erosion and sedimentation of natural drainages or wetlands to less-than-significant levels include standard erosion control measures, as further discussed in the Geology and Soils section, and the development of a Storm Water Pollution Prevention Plan (SWPPP), as further discussed in the Hydrology and Water Quality section.

Trees

There are numerous trees on the project site within the coast live oak/blue oak woodland habitat. The proposed development is to occur primarily within the non-native grassland habitat, and no trees are planned to be removed with the project.

Loss of Habitat for Native Wildlife

While a number of native species may use the site for foraging and breeding, most of these species are widespread in the adjacent lands and the portion of the site that would remain as open space. The loss of a small amount of habitat on the site for native wildlife is not expected to affect the persistence and presence of local species. Thus, the proposed project impacts on wildlife would be less than significant, and mitigation measures would not be warranted.

Interference with the Movement of Native Wildlife

Although the project site is within the foraging radius of many avian (such as raptors) and terrestrial species (such as coyote, bobcat, raccoon, and black-tailed deer), these species do not exhibit migratory movements in the area. Construction of the single family residence, driveway, and leachfield would cause only a small disturbance to a portion of the site; these activities are expected to have a less-than-significant impact on animal movements in the region.

Impacts to Special-Status Animal Species

Of the 29 special-status animal species that either occur, or once occurred, regionally, most would be absent, unlikely to occur on the site, or would rarely or occasionally occur as transients or migrants. The remaining species potentially occur more frequently as regular foragers, transients, or may be resident to the site; one of which was found to be present onsite. These include the white-tailed kite, northern harrier, Cooper's hawk, golden eagle, California horned lark, loggerhead shrike, and ringtail; nests built by the San Francisco dusky-footed woodrat were observed in the woodland habitat in an area that would not be disturbed by the proposed development. Due to the location of proposed development (within the open areas of the site), the project is expected to result in a less-than-significant impact to any of these species. All of the above species are relatively common regionally and the small amount of habitat loss would result in a less-than-significant impact to foraging habitat available to these species regionally. No mitigation would be required with the exception of potential impacts to raptor nests.

Disturbance to Active Raptor Nests

Large trees such as coast live oaks, valley oaks, blue oaks, and California bay laurels provide nesting habitat for raptors. No active nests were observed during the field visits; however, a raptor could establish a nest between the last field visit and the start of construction. Construction activities could result in the abandonment of active nests or direct mortality to these birds. Construction activities that adversely affect nesting, or result in mortality of individual birds, would be a violation of State and Federal law, and would be considered a significant adverse impact. Mitigation measures are necessary to reduce potential project-related impacts on nesting raptors to less-than-significant levels.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Trees

- Trees to remain shall be safeguarded during construction by a Tree Protection Plan, including measures such as the storage of oil, gasoline, chemicals, etc. away from trees; grading around trees only as approved, and prevention of drying out of exposed soil where cuts are made; no dumping of liquid or solid wastes in the dripline or uphill from any tree; and construction of barricades around the dripline of the trees, as outlined in the City's Tree Ordinance, that shall be approved by the City's Environmental Principal Planner prior to the issuance of a grading permit.

Project Measures

Active Raptor Nests

- If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading or building permit.

5. CULTURAL RESOURCES

SETTING

Prehistoric Resources

The project site is not within a potential archaeological resource zone as outlined on the maps on file at the City of San Jose Department of Planning, Building and Code Enforcement. There are no known historical or cultural sites on the project site, nor does the site have any rare or unique characteristics.

Historic Resources

There is one existing residence located on the project site, which was constructed in 1998 and is to remain.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on cultural resources if it would:

- Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5.
- Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.
- Disturb any human remains, including those interred outside of formal cemeteries.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
5. CULTURAL RESOURCES. Would the project:					
a. Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?				X	25,39,40
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?		X			27,38
c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?				X	27,60
d. Disturb any human remains, including those interred outside of formal cemeteries?		X			27

Prehistoric Resources

The project site is not in a potential archaeological resource zone. There is no basis to warrant subsurface investigations or monitoring during construction at this time; however, there is still a possibility that unknown subsurface cultural resources may exist on the site.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Native American Burials

- Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California: In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified by the developer and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

Project Measures

Prehistoric Resources

- Should evidence of prehistoric cultural resources be discovered during construction, work in the immediate area of the find shall be stopped to allow adequate time for evaluation and mitigation, and a qualified professional archaeologist called in to make an evaluation; the material shall be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the City's Environmental Principal Planner.

6. GEOLOGY AND SOILS

Hydro-Geo Consultants, Inc. conducted a geologic assessment update, a supplemental preliminary geologic hazard assessment, and a soil and foundation investigation review letter that are included in the Technical Appendix. Acre Soil Engineering conducted a soil and foundation investigation that is also included in the Technical Appendix.

SETTING

Topography

The project site includes rolling and steep-sided hills. There are several knolls on the site: one is located along McKean Road, the existing house is located on one, the proposed home site is located on one, and there is a small one in the center of the site. The site slopes northerly with slopes ranging from 20 to over 50 percent (average slope of approximately 33 percent). Elevations on the site range from approximately 600 feet along the northerly boundary to approximately 1,020 feet along the westerly boundary. The knolls where the existing home and proposed home site are located have elevations of 885 and 848 feet, respectively.

Geology

The project site is underlain by bedrock units of the Franciscan Formation (Kjf). The Franciscan Formation consists mostly of well-indurated sandstone and shale, but includes subordinate amounts of greenstone, chert, limestone, conglomerate and metamorphic rocks of blueschist facies. These rocks are generally highly deformed and locally intensively sheared with hard blocks of various lithologies in a matrix of clay materials. The Franciscan Formation constitutes the basement complex northeast of the San Andreas Fault.

Geologic Hazard Zone

The project site is located in a geologic hazard zone as mapped by the City of San Jose in accordance with the Geologic Hazards Ordinance. For proposed development in a geologic hazard zone, a Certificate of Geologic Hazard Clearance must be obtained from the Director of Public Works before any discretionary approval for development, or any grading permit or any building permit, may be issued for any property located in a special geologic hazard area. Geologic hazard is defined as:

“any condition in earth, whether naturally occurring or artificially created, which is dangerous or potentially dangerous to life, limb, property, or improvements due to movement, failure or shifting of earth, or which, in the opinion of the Director, may lead to damage to structures which may be located on or adjacent to soils or rocks having such conditions.”

In order to receive a Certificate of Geologic Hazard Clearance, the applicant must demonstrate to the satisfaction of the Director of Public Works that the proposed development is not endangered or potentially endangered by geologic hazards on the site or in the area which may potentially affect the site, nor will it create new hazardous geologic conditions or potentially

endanger adjoining lands, and that the proposed improvements, including earthwork, will adequately mitigate the identified geologic hazards.

Soils

The project site is underlain by the upland soils of the Los Gatos/Gaviota/Vallecitos association, 30 to 75 percent slopes, as classified by the United States Department of Agriculture, Soil Conservation Service. The specific soil types identified at the site are shown in the following Soil Properties table.

According to Cooper-Clark and Associates' *San Jose Geotechnical Investigation*, the site is mapped as having a low liquefaction potential, little or no weak soils, moderately to highly expansive soils, high to very high erosion potential, and a moderate to high landslide susceptibility. The landslide susceptibility condition is considered to warrant further geologic study at the environmental review stage. The remainder of the soils conditions can be managed using standard engineering measures and do not require further geologic study at this time as part of the environmental review process, but may require further analysis prior to the issuance of a grading or building permit.

Faulting

There are no identified active earthquake faults mapped on the site. The nearest active fault zones are the Hayward and Calaveras Faults, which are mapped approximately 6.0 and 10.0 miles, respectively, to the northeast and north; and the San Andreas Fault, which is mapped approximately 7.0 miles to the southwest. The potentially active Sargent-Berrocal Fault zone passes approximately 3.6 miles to the southwest. The Calero Fault zone, which is not classified as potentially active, is mapped just beyond the project site.

Geologic Assessment Update

A preliminary geologic assessment update was conducted on the site, which consisted of a site reconnaissance on July 8, 2003, and a review of pertinent geologic information. The assessment is an update of a 1998 assessment conducted for the existing residence on the site; this assessment update was directed toward the geologic conditions at the proposed new building site on Parcel 2.

Franciscan Assemblage bedrock underlies the project site, with predominantly sandstone and shale exposed in the eastern two-thirds of the site. Greenstone, with minor amounts of chert at its contact, is exposed in the western one-third of the property. No active landslides were observed on the project site; however, three dormant landslides are located north of the proposed development area, as shown in the report in the Technical Appendix. These metastable ancient landslides appear to have occurred as debris flows within the weaker bedrock along the greenstone/sandstone contact or shale interbeds within the more resistant sandstone bedrock that underlies the northeastern portion of the site.

Not included in this report [SOIL PROPERTIES TABLE](#)

8 1/2 X 11

Supplemental Preliminary Geologic Hazard Assessment

Supplemental information regarding the preliminary geologic hazard assessment was provided. The proposed single family house and leachfield are located along a ridgeline that is considered to be relatively stable ground by the California Geological Survey. It has not zoned this proposed building site within the potential earthquake-induced landslide hazard zone shown in the report in the Technical Appendix. Portions of the access road from McKean Road to Parcel 2 are within this landslide hazard zone; however, no active landslides have been mapped encroaching onto this road. It generally follows the upper portion of this relatively stable ridge, and Franciscan melange bedrock is exposed along much of its length. The Calero Fault has been mapped approximately 0.5 mile southwest of the proposed building site. The Calero Fault is not considered to be potentially active. No significant geologic hazards that would preclude the proposed two-lot subdivision were observed; and, from a geological standpoint, a feasible building site is located on each of the two proposed parcels.

Soil and Foundation Investigation

A soil and foundation investigation was conducted on the site by Acre Soil Engineering to evaluate the surface and subsurface soil conditions at the proposed building location to develop recommendations for earthwork and foundation design for the proposed construction. The investigation consisted of study of information pertinent to the site, a field investigation, laboratory testing, and formulation of conclusions and recommendations.

Field Investigation / Laboratory Testing

Two soil borings were drilled to depths of 3 to 8 feet below the existing ground surface at the proposed building location on October 20, 2004. The approximate locations of the borings, their logs, and descriptions of the subsurface soil conditions are included in the report in the Technical Appendix. No groundwater was encountered during the exploration.

The laboratory testing program was designed to determine the physical and engineering properties of the soils underlying the proposed building location. Direct Shear tests and Atterberg Limit tests were conducted, and undisturbed soil samples were tested for Moisture Content and Dry Density. The results of the laboratory testing are included in the report in the Technical Appendix.

Investigative Conclusions

The site covered by the soil and foundation investigation is considered suitable for the proposed residence provided the report recommendations are carefully followed. The primary geologic concern at the site is seismic ground shaking.

Soil and Foundation Investigation Review Letter

The soil and foundation investigation of the proposed Parcel 2 building site was reviewed. The investigation confirms Geo-Hydro Consultants, Inc.'s findings that there is a buildable single-

family site on Parcel 2. The borings indicate that the slope is moderately stable, and in-place bedrock is present close to the ground surface.

SIGNIFICANCE CRITERIA

The proposed project would have a significant geology and soils impact if it would:

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:
 - 1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.).
 - 2) Strong seismic ground shaking.
 - 3) Seismic-related ground failure, including liquefaction.
 - 4) Landslides.
- Result in substantial soil erosion or the loss of topsoil.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
6. GEOLOGY AND SOILS. Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: 1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)				X	43,44,47, 48,86,88
2) Strong seismic ground shaking?		X			27,46,88
3) Seismic-related ground failure, including liquefaction?				X	46,86,88
4) Landslides?				X	44,46,86
b. Result in substantial soil erosion or the loss of topsoil?		X			45,46

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
6. GEOLOGY AND SOILS (Cont.). Would the project:					
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X	46,86,88
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X		45,46,88
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X	87

Geologic Hazard Zone

The project site is located within a geologic hazard zone as mapped by the City in accordance with the Geologic Hazards Ordinance. Based on the review and acceptance of the geologic hazard assessment reports prepared by Hydro-Geo Consultants, Inc. and the soils and foundation investigation report prepared by Acre Soil Engineering, a Certificate of Geologic Hazard Clearance has been issued for the project. A copy of the Certificate letter is included in the Appendix.

Slope Stability

No active landslides were observed on the project site. Three dormant landslides are located on the site; however, they are outside the proposed development area. The proposed building site is located outside the designated high landslide area; however, the proposed residence and septic leachfield should be located at least 25 feet from the boundary of the designated high landslide zone shown in the report in the Technical Appendix.

Expansive Soils

The native surface soils at the proposed building location have been found to have low expansion potential when subjected to fluctuations in moisture. Pier and grade beam foundations are recommended.

Erosion

Development of the project site may subject the soils to accelerated erosion. In order to minimize erosion and potential subsequent sedimentation, erosion control measures such as those described in the Association of Bay Area Governments (ABAG) *Manual of Standards for Erosion & Sediment Control Measures* would be incorporated into the project.

Ground Rupture

Ground rupture (surface faulting) tends to occur along lines of previous faulting. As there are no known faults on the site, the potential for ground rupture due to an earthquake is low.

Seismic Shaking

The maximum seismic event occurring on the site would probably be from effects originating from the Hayward, Calaveras, or San Andreas fault systems. Ground shaking effects can be expected in the area during a major earthquake originating along any of the active faults within the Bay Area. At present, it is not possible to predict when or where movement will occur on these faults. It must be assumed, however, that movement along one or more of these faults will result in a moderate or major earthquake during the lifetime of any construction on this site. The effects on development would depend on the distance to the earthquake epicenter, duration, magnitude of shaking, design and quality of construction, and geologic character of materials underlying foundations.

The maximum credible earthquake, which is defined as *"the maximum earthquake that appears capable of occurring under the presently known framework"*, for the San Andreas Fault ranges from magnitude 8.0 to 8.3; and from magnitude 7.0 to 7.5 for either the Hayward or Calaveras Faults. The maximum probable earthquake, which is defined as *"the maximum earthquake that is likely to occur during a 100-year interval"*, for the San Andreas Fault ranges from magnitude 7.5 to 8.5; from magnitude 6.75 to 7.5 for the Hayward Fault; and from magnitude 6.5 to 7.0 for the Calaveras Fault.

Structural damage from ground shaking is caused by the transmission of earthquake vibrations from the ground into the structure. Ground shaking is apparently the only significant threat to structures built on the site; however, it is important to note that well-designed and constructed structures that take into account the ground response of the soil or rock in their design usually exhibit minor damage during earthquake shaking.

The project would be designed and constructed in accordance with Uniform Building Code requirements, which are intended to reduce seismic risks to an acceptable level.

Liquefaction

Soil liquefaction is a phenomenon in which saturated, cohesionless soil layers located close to the ground surface lose strength during cyclic loading, such as imposed by earthquakes. During the loss of strength, the soil acquires a "mobility" sufficient to permit both horizontal and vertical movements. Soils that are most susceptible to liquefaction are clean, loose, saturated, uniformly graded, fine-grained sands. The potential for seismically-induced ground failure from liquefaction at this site is low because of the presence of bedrock close to the ground surface and the apparent depth to groundwater.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Geologic Hazard Zone

- A Certificate of Geologic Hazard Clearance shall be obtained from the Director of Public Works prior to any discretionary approval for all development in areas shown on the Geologic Hazards Ordinance map; and any Conditions of Clearance including, but not limited to, measures identified in the geologic evaluation, slope stabilization, surface and subsurface drainage control, offsite improvements, use restrictions, erosion control and/or maintenance guarantees for private improvements contained therein shall be implemented as specified. *A Certificate of Geologic Hazard Clearance was issued for the project on December 7, 2004.*

Seismic Shaking

- The project shall be designed and constructed to incorporate wall bracing, mudsill anchors, tie downs, and/or hinge connectors to ensure structural stability as required by the earthquake design regulations of the Uniform Building Code.

Project Measures

General

- All earthwork and foundation plans and specifications shall comply with the recommendations of the soil and foundation investigation by Acre Soil Engineering. The report lists approximately 45 recommendations that are included in the project for site grading, cut and fill slopes, foundations, retaining walls, slabs-on-grade and general construction, most of which reflect standard engineering practices that are not required to mitigate environmental impacts. The recommendations that specifically address potential geotechnical hazards found on the site are included above.

Erosion

- An Erosion Control Plan shall be developed and implemented with such measures as: 1) the timing of grading activities during the dry months, if feasible; 2) temporary and permanent planting of exposed soil; 3) temporary check dams; 4) temporary sediment basins and traps and/or 5) temporary silt fences, to the satisfaction of the City's Public Works Department at the time of grading permit approval.

7. HAZARDS AND HAZARDOUS MATERIALS

SETTING

Wells

There are two wells on the site. The main well is the domestic well that currently serves the existing house on the site, and would also serve the new house. The second well is a minor well located near the entrance on McKean Road that is occasionally used for landscape irrigation.

Pesticides

There are no known pesticides currently used on the site for either agricultural production or landscape maintenance operation.

Hazardous Materials

There are no known hazardous materials currently being used as a part of a business operating on the site.

Service Station

The project site has never been occupied by a gas station and/or auto repair facility.

Underground Storage Tank

The project site does not have underground storage of chemicals and has not used underground storage tanks. The project site is not listed on any local, State and/or Federal regulatory database due to hazardous materials contamination (i.e., leaking underground storage tanks database, etc.).

Soil/Groundwater Testing / Remediation

No known soils/groundwater tests have ever been performed on the project site in relation to potential hazardous materials contamination. No known remediation of hazardous materials has ever been performed on the site.

Septic System

Sewage disposal for the house on Parcel 1 is accomplished by an existing onsite septic system.

Wildland Fires

Much of the mountainous areas of Santa Clara County are considered “high fire hazard areas” due to a variety of factors, including climatic factors, such as rainfall and wind patterns; the amount of naturally-occurring “fuel” for fires, such as brush, dead trees, and grasses that ignite easily and burn hotly; steepness of slopes; and inaccessibility and lack of available water supplies for fire suppression. The project site consists mainly of oak woodland with some non-native grassland; and includes rolling and steep-sided hills with a northerly slope ranging from 20 to over 50 percent (average slope of approximately 33 percent).

SIGNIFICANCE CRITERIA

The proposed project would have a significant hazards and hazardous materials impact if it would:

- Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area.
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.
- Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				X	25,27,28
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	28
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?				X	27,28
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	53

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
7. HAZARDS AND HAZARDOUS MATERIALS (Cont.). Would the project:					
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	27,62
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	27,62
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?				X	27
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?		X			25, 27,75,76

Wells

The existing water well on the project site provides domestic water for the existing residence on Parcel 1 and would provide water for the proposed residence on Parcel 2, as further discussed in the Utilities and Service Systems section. The well meets the requirements of the Santa Clara Valley Water District, so as not to jeopardize the health, safety, or welfare of the people of the district.

Septic System

Sewage disposal for Parcel 1 is accomplished by an existing onsite septic system; and a new septic system for Parcel 2 is to be designed, installed and operated in accordance with the regulations of the Santa Clara County Department of Environmental Health, as further discussed in the Utilities and Service Systems section.

Demolition

There are no existing structures on the project site to be demolished.

Wildland Fires

The project site is located in an area of high fire hazard as mapped by the Santa Clara County General Plan. The site consists mainly of oak woodland with some non-native grassland; and includes rolling and steep-sided hills with slopes ranging from 20 to over 50 percent. As discussed in the Public Services section, all of the projected San Jose Fire Department response times exceed the recommended limits due to the long distances from existing fire stations. The

Fire Department recommends that non-combustible roofing materials be utilized during project construction, and that the building areas be cleared of combustible vegetation. An adequate water supply must also be provided.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Project Measures

Wildland Fires

- New water service facilities, including a 5,000-gallon fire protection water storage tank, mains and a hydrant, shall be provided.
- Fire protection measures shall be provided, including measures such as the use of sprinklers and non-combustible roofing materials, and the clearance of combustible vegetation around the building area, to the satisfaction of the City's Fire Department; and these measures shall be incorporated into the Planned Development Permit.

8. HYDROLOGY AND WATER QUALITY

SETTING

Waterways

Three drainages are located on Paracel 2 of the project site, outside the proposed development area, and Pine Tree Canyon is located along the northwesterly boundary of the project site.

Flooding

The project site is not within an area of historic flooding, and according to the Federal Emergency Management Agency's (FEMA) *Flood Insurance Rate Maps*, the site is not within Zone A, the area of 100-year flood. The Santa Clara Valley Water District's (SCVWD) *Maps of Flood Control Facilities and Limits of 1% Flooding* also show the project site does not lie within a flood zone.

Water Quality

Stormwater runoff from the project site flows generally northwesterly in the Pine Tree Canyon drainage to Calero Reservoir, then northerly via Calero Creek and Alamitos Creek to the Guadalupe River and on to the San Francisco Bay.

Nonpoint Sources

The Clean Water Act states that the discharge of pollutants in stormwater to Waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The U.S. Environmental Protection Agency requires under the Clean Water Act that any stormwater discharge from construction sites larger than five acres be in compliance with the NPDES. The State Regional Water Quality Control Board (RWQCB), which is responsible for implementing and enforcing the program, issued a statewide General Permit for construction activities. Provisions of the current Permit require that the following issues be addressed with respect to water quality regardless of the size of the site: 1) erosion and sedimentation during clearing, grading or excavation of a site; and 2) the discharge of stormwater once construction is completed. Coverage under this Permit would be obtained by submitting a Notice of Intent to the RWQCB that identifies the responsible party, location and scope of operation; and by developing and implementing a Storm Water Pollution Prevention Plan (SWPPP) as well as monitoring the effectiveness of the plan.

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed to control nonpoint sources of pollution from entering water sources and deteriorating water quality. The City of San Jose is a participant in the SCVURPPP. A number of control measures, including those related to development activities, industrial and construction inspections, public agency activities and public outreach efforts, are also currently being developed and implemented. The development, implementation and enforcement of control

measures to reduce pollutant discharges from areas of new development is the responsibility of the Urban Runoff Pollution Prevention Program in cooperation with the RWQCB.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on hydrology and water quality if it would:

- Violate any water quality standards or waste discharge requirements.
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).
- Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.
- Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Otherwise substantially degrade water quality.
- Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- Place within a 100-year flood hazard area structures that would impede or redirect flood flows.
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- Be subject to inundation by seiche, tsunami or mudflow.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
8. HYDROLOGY AND WATER QUALITY. Would the project:					
a. Violate any water quality standards or waste discharge requirements?		X			28,56,72
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	25,27

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
8. HYDROLOGY AND WATER QUALITY (Cont.). Would the project:					
c. Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	25,26
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?				X	25,26
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X	26,28
f. Otherwise substantially degrade water quality?				X	26,28
g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	27,54,55
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				X	27,54,55
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	27,28
j. Be subject to inundation by seiche, tsunami or mudflow?				X	27

Flooding

The project site is not within the limits of potential inundation with the occurrence of a one percent flood.

Water Quality

The primary impact on water quality would be from street drainage. Particulates, oils, greases, toxic heavy metals, pesticides and organic materials are typically found in urban storm runoff. The project's contribution would have a potentially significant impact on water quality. In addition, temporary construction-related activities such as clearing, grading, or excavation could result in potentially significant impacts to water quality.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Water Quality

- A Notice of Intent and a Storm Water Pollution Prevention Plan that addresses both construction and post-construction periods and specifies erosion and sediment control measures, waste disposal controls, maintenance responsibilities and non-stormwater management controls, shall be submitted to the RWQCB and maintained onsite, respectively, to comply with the stormwater discharge requirements of the NPDES General Permit.

Project Measures

Water Quality

- A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMPs) such as the use of infiltration of runoff onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water separators, porous pavement, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management. These measures shall be further detailed at the Planned Development Permit stage.

9. LAND USE AND PLANNING

SETTING

General Plan

The land use designation for the project site on the San Jose 2020 General Plan is Non-Urban Hillside, outside the City's Urban Service Area and the Urban Growth Boundary. Very large lot residential estates (between 20 and 160 acres per lot), as determined by the Hillside Slope Density Formula, are allowed within the Non-Urban Hillside category. The project conforms with this classification.

Special Areas

The project site is not located within any of the following special areas:

- Midtown Planned Community and Specific Plan Area
- Jackson – Taylor Planned Residential Community
- Communications Hill Planned Residential Community
- Evergreen Planned Residential Community
- Berryessa Planned Residential Community
- Silver Creek Planned Residential Community
- Alviso Master Plan Area
- Tamien Specific Plan Area
- Downtown Strategy Plan Area
- North San Jose (Rincon de Los Esteros Redevelopment Area)
- Edenvale Redevelopment Area

Zoning

The project site is currently zoned "A" - Agriculture. The project is a Planned Development Zoning application to rezone the site to A(PD) in accordance with the proposed General Development Plan and a Tentative Map application to subdivide the site into two single family detached lots.

Existing Use

The project site is currently rural residential with one single family home on the site. Previous uses of the site include: open space and grazing land. The proposed project is a land use presently existing in the surrounding neighborhood (within 500 feet of the project site).

Surrounding Uses

Land uses surrounding (within 500 feet of) the project site include: rural residential to the north and south; open space and private recreation (Cinnabar Hills Golf Club) to the east; and public park/open space (Calero County Park) to the west. There are five residential parcels south of the site, ranging in size from approximately 5 to 45 acres, and two residential parcels, approximately 27 and 8 acres, to the north.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on land use and planning if it would:

- Physically divide an established community.
- Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal

program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

- Conflict with any applicable habitat conservation plan or natural community conservation plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
9. LAND USE AND PLANNING. Would the project:					
a. Physically divide an established community?				X	25,26
b. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	29
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	25,26,28

The project would change the land use on the site from hillside open space, oak woodland and residential (one home) to hillside open space, oak woodland and residential (two homes) in accordance with the General Plan land use designation. Residential use (one additional home on 44.63 acres) is compatible with the surrounding area. Development of the project site would introduce one new home to the area. This use would change the view of the site and would generate increases in traffic, noise and air pollution in the area that would not be significant.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

10. MINERAL RESOURCES

SETTING

The project site does not contain any known important mineral resources.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on mineral resources if it would:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
10. MINERAL RESOURCES. Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	27,29,60
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	27,29,60

The project would not result in the loss of availability of a known mineral resource.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

11. NOISE

SETTING

Existing Noise Sources

Noise intrusion over the site originates primarily from vehicular traffic sources along McKean Road. The City of San Jose General Plan establishes a policy of requiring noise mitigation from transportation noise for residential land use where the exterior level exceeds 60 dB DNL and/or the interior level exceeds 45 dB DNL. McKean Road is not designated as having noise level exceedances on the *City of San Jose Year 2020 Noise Exposure Map for Major Transportation Noise Sources*.

ALUC Noise Zone

The project site is not located within an Airport Land Use Commission (ALUC) Noise Zone (65 dB CNEL).

SIGNIFICANCE CRITERIA

The proposed project would have a significant noise impact if it would result in:

- Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels.
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.
- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
11. NOISE. Would the project result in:					
a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		26,61
b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?				X	25,27

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
11. NOISE (Cont.). Would the project result in:					
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		25,26,28
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X			25,26,28
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	27,62
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	27,62

Standards

Noise criteria that apply to the project are included in the City of San Jose General Plan, which establishes a policy of requiring noise mitigation from transportation noise for residential land use where the exterior level exceeds 60 dB DNL and/or the interior level exceeds 45 dB DNL. Noise levels in the area are within the General Plan standards, and project development is not expected to generate traffic noise in excess of the standards.

Temporary Construction Noise

During construction, the site preparation and construction phase would generate temporary sound levels ranging from approximately 70 to 90 dBA at 50 foot distances from heavy equipment and vehicles. These construction vehicles and equipment are generally diesel powered, and produce a characteristic noise that is primarily concentrated in the lower frequencies.

The powered equipment and vehicles act as point sources of sound, which would diminish with distance over open terrain at the rate of 6 dBA for each doubling of the distance from the noise source. For example, the 70 to 90 dBA equipment peak noise range at 50 feet would reduce to 64 to 84 dBA at 100 feet, and to 58 to 78 dBA at 200 feet. Therefore, during the construction operations, sound level increases of 20 to 40 dBA due to these sources could occur near the project boundary.

Since construction is carried out in several reasonably discrete phases, each has its own mix of equipment and consequently its own noise characteristics. Generally, the short-term site

preparation phase, which requires the use of heavy equipment such as bulldozers, scrapers, trenchers, trucks, etc., would be the noisiest. The ensuing building construction and equipment installation phases would be quieter and on completion of the project, the area's sound levels would revert essentially to the traffic levels.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Project Measures

Temporary Construction Noise

- Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any onsite or offsite work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.

12. POPULATION AND HOUSING

SETTING

The population of the City of San Jose is approximately 918,800. The project site is located in Census Tract 5122.00, which has a population of approximately 34 (2000 Census). There is one housing unit currently on the project site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on population and housing if it would:

- Induce substantial population growth in an area, either directly or indirectly.
- Displace numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
12. POPULATION AND HOUSING. Would the project:					
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	25,26,28
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	25,26
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	25,26

The project would not displace any existing housing units. The project would add 1 housing units that would add approximately 4 people to the City of San Jose, which would not be a substantial increase to the City's population.

Direct growth inducing impacts include the construction of streets and utilities that would provide access to or capacity for additional undeveloped land. The site is bordered by rural residential, public park, open space and private recreation uses. As the project would not extend streets or utilities to serve additional undeveloped land, the project would not have a direct growth inducing impact. Indirect growth inducing impacts include increases in population and economic impacts. There would be short-term increases in employment in the construction industry. The project would not have an indirect growth inducing impact.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

13. PUBLIC SERVICES

SETTING

Schools

The project site is in the Morgan Hill Unified School District (K-12). Students from the project are expected to attend:

School	Address	Approx. Distance (miles)	Enrollment
Burnett Elementary (K-6)	85 Tilton Ave., Morgan Hill	3.4	381
Martin Murphy Middle (7-8)	141 Avenida Espagna, San Jose	2.6	826
Sobrato High (9-10)*	401 Burnett Avenue, Morgan Hill	3.5	na
Live Oak High (11-12)	1505 E. Main Ave., Morgan Hill	5.6	1,772

* Sobrato High School, which will eventually contain grades 9-12, is scheduled to open for the 2004-2005 school year.

All of the schools are under capacity. Busing is provided to the elementary and middle schools, and possibly the 9th grade, for a fee.

Parks

There are no City of San Jose neighborhood or regional parks within the vicinity of the project site; however, Calero County Park is northwesterly of the site along McKean Road as well as along the site's westerly boundary. Calero County Park, a 3,476-acre regional facility that is part of the Santa Clara County park system, provides the following recreational facilities and activities: power boating, sailing, fishing, water skiing, jet skiing, hiking, horseback riding, and picnicking.

Fire Protection

The project site is in the service area of the San Jose Fire Department. The fire stations responding to emergency calls, i.e., fires and emergency medical situations, within the project site and their approximate response times are listed below. The total reflex time is the time from when the Department first receives the call to when the firemen reach their destination.

Station No.	Address	Approx. Distance (miles)	Projected Travel Time (minutes)	Travel Time Standard (minutes)	Projected Total Reflex Time (minutes)	Total Reflex Time Standard (minutes)
Initial First Alarm:						
1st Engine: 28	19911 McKean Rd.	5.7	9.5-11.5	4.0	13.5-15.5	8.0
2nd Engine: 22	6461 Bose Lane	9.2	16-18	6.0	20-22	10.0
1st Truck: 13 *	4380 Pearl Ave.	11.0	21-23	6.0	25-27	10.0
1st B. Chief: 13	4380 Pearl Ave.	11.0	21-23	9.0	25-27	13.0
Full Structural Assignment:						
3rd Engine: 27	6027 San Ignacio Ave.	9.5	17-19	9.0	21-23	13.0
2nd Truck: 9	3970 Ross Ave.	12.0	23.5-25.5	9.0	27.5-29.5	13.0

* Urban Search and Rescue (USAR) unit.

B. Chief = Battalion Chief

All of the travel times and total reflex times exceed the recommended limits due to the long distances from existing personnel and equipment.

In addition, the project site is within a Mutual Threat Zone; while the San Jose Fire Department protects the area, the California Department of Forestry and Fire Protection (CDFFP) provides personnel and support during wildfire season. The nearest CDFFP fire station is currently located at 20255 McKean Road, approximately 5.5 miles from the project site.

Police Protection

The project site is within Beat No. Y5 of the San Jose Police Department's service area. The most frequent crimes reported in Beat Y5 during 2003 were petty theft, simple assault, auto burglary, and vandalism.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on public services if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection; Police protection; Schools; Parks; and Other Public Facilities.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
13. PUBLIC SERVICES. Would the project:					
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?		X			7
Police protection?			X		67
Schools?			X		5
Parks?			X		27,28
Other Public Facilities?			X		28

Schools

The project would add additional students to the Morgan Hill Unified School District, as follows:

School	Enrollment	Generation Factor	Number of Students
Burnett Elementary	381	--	--
Martin Murphy Middle	826	--	--
Sobrato High	na	--	--
Live Oak High	1,772	0.7/du (K-12)	1

Based on the district generation factors listed above, the project would generate a total of up to 1 student. This is not considered to have a significant physical effect on the environment.

The State School Facilities Act provides for school district impactation fees for elementary and high schools and related facilities as a condition of approval of residential projects. The one-time fee, which is based on the square footage of new habitable residential construction, would be paid prior to the issuance of a building permit.

Parks

The City of San Jose provides parks and recreation facilities within the city. Project residents would increase the demand for public park facilities; however, there are currently no City of San Jose parks within the 3/4-mile reasonable walking distance standard. The 3,476-acre Calero County Park, which is northwesterly of the site along McKean Road as well as along the site's westerly boundary, is available to serve the project residents.

Parkland Dedications

The City has established a Parkland Dedication Ordinance that requires dedication of land and/or payment of fees for neighborhood and community park or recreational purposes in accordance with the Services and Facilities and the Parks and Recreation Goals and Policies of the General Plan. There are currently no plans to dedicate land for park purposes with the project.

Fire Protection

The project site is in the service area of the San Jose Fire Department. All of the response times exceed the recommended limits due to the long distances from existing fire stations. No additional fire personnel or equipment are expected to be necessary due to the implementation of this small project. The Fire Department recommends that non-combustible roofing materials be utilized during project construction, and that the building areas be cleared of combustible vegetation. An adequate water supply must also be provided.

Police Protection

The San Jose Police Department provides police protection for the city. No additional police personnel or equipment are expected to be necessary to serve the project.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Project Measures

Fire Protection

- New water service facilities, including a 5,000-gallon fire protection water storage tank, mains and a hydrant, shall be provided.
- Fire protection measures shall be provided, including measures such as the use of sprinklers and non-combustible roofing materials, and the clearance of combustible vegetation around the building area, to the satisfaction of the City's Fire Department; and these measures shall be incorporated into the Planned Development Permit.

14. RECREATION

SETTING

There are no City of San Jose neighborhood or regional parks within the vicinity of the project site; however, Calero County Park is northwesterly of the site along McKean Road as well as along the site's westerly boundary. Calero County Park, a 3,476-acre regional facility that is part of the Santa Clara County park system, provides the following recreational facilities and activities: power boating, sailing, fishing, water skiing, jet skiing, hiking, horseback riding, and picnicking. In addition, the Cinnabar Hills Golf Club, a public 27-hole championship golf course facility, is located just northeasterly off McKean Road.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on recreation if it would:

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
14. RECREATION.					
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		63,64,65
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X	26,28

The City of San Jose provides parks and recreation facilities within the city. Project residents would increase the demand for public park facilities; however, due to the rural setting of the project area, there are currently no City of San Jose parks within the 3/4-mile reasonable walking distance standard. The 3,476-acre Calero County Park, which is northwesterly of the site along McKean Road as well as along the site's westerly boundary, is available to serve the project residents.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

15. TRANSPORTATION / TRAFFIC

SETTING

Street System

Access to the project site is provided by an existing driveway off McKean Road. McKean Road is a two-lane roadway that extends southward from Harry Road and Almaden Road to Morgan Hill.

Public Transit

Public transit in the project area is provided by the Santa Clara Valley Transportation Authority. There is no public transit in the immediate site vicinity; the closest bus route is Route 13, which operates along Almaden Expressway, Harry Road/McKean Road and Almaden Road to the north. The project site is not located within 2,000 feet of a light rail station.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on transportation / traffic if it would:

- Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.
- Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- Substantially increase hazards due to a design feature or incompatible uses.
- Result in inadequate emergency access.
- Result in inadequate parking capacity.
- Conflict with adopted policies, plans or programs supporting alternative transportation.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
15. TRANSPORTATION/TRAFFIC. Would the project:					
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?			X		71
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X		77

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
15. TRANSPORTATION/TRAFFIC (Cont.). Would the project:					
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	27,28
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?				X	26,28
e. Result in inadequate emergency access?				X	26,28
f. Result in inadequate parking capacity?				X	26,28
g. Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	26,29

The 1 single family detached residential unit planned with the project would result in a total of 10 daily vehicular trips, based on 10 trips per unit per day, and 1 peak hour trip, based on a 10 percent peak hour factor. The project is exempted from the City's Transportation Level of Service Policy as it is a single family detached residential project of 15 dwelling units or less, and the City Council finds that such projects will not cause a significant degradation of transportation level of service and that such projects will further other City goals and policies. In addition, the Santa Clara County Congestion Management Agency, which monitors regional traffic issues, does not require an analysis for small projects of less than 100 units.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

16. UTILITIES AND SERVICE SYSTEMS

Environmental Concepts conducted onsite percolation tests and the County of Santa Clara Environmental Resources Agency Department of Environmental Health reviewed the results and sized the leaching system, and approved the proposed system design as described in their letters in the Technical Appendix. Maier & Dougherty tested the onsite well, and the County of Santa Clara Department of Environmental Health reviewed the results as described in their letter in the Technical Appendix.

SETTING

Sanitary Sewers

The project site is located outside the City's Urban Service Area; there are no existing City sanitary sewers in the project site vicinity. The closest City sanitary sewers are located in Bailey Avenue and in Harry Road at McKean Road, approximately 2.5 miles and 5.0 miles, respectively, to the north. Both of these locations are within the City's Urban Service Area.

Wastewater Treatment

Lands outside of the City's Urban Service Area utilize septic tank systems for sewage disposal. To operate efficiently, an individual disposal system must be designed to utilize the intrinsic properties of the soil for removing potential pollutants from the wastewater. Pollutants present in wastewater can include suspended solids, pathogenic organisms, oxygen demanding organic chemicals and organisms, viruses, phosphates, sulphates, chlorides and nitrates. Under favorable conditions, a properly designed and constructed leach line will biologically degrade, filter and absorb all potential biological contaminants before the effluent contacts surface or ground waters.

Soil percolation rates define the ability of soils to absorb water, a critical factor if wastewater is to enter the soil to be biologically and chemically altered and filtered. Some soils are very slow to percolate; a percolation rate slower than 120 minutes per inch is considered unsuitable for any type of septic tank system. Soils that percolate very rapidly, i.e., faster than 1.0 minute per inch, remove effluent too quickly from the upper few feet of soil, the primary area where the biological and chemical breakdown takes place.

Slope is another characteristic that constrains proper leachfield functioning. Soils in mountainous areas are likely to contain large amounts of impervious rock and less depth of soil than flatter, valley areas. Under certain conditions, if a leachfield constructed on steep slopes where there is an underlying layer of dense clay, rock or other impervious material near the surface, the effluent may flow above the impervious layer to the surface and run unfiltered down the slope face. The effluent would, thus, contaminate any surface waters it may come into contact with.

High groundwater and/or poor wintertime drainage is a third constraint to the proper functioning of leachfields. High groundwater is extremely important since water quality in general can be

degraded when untreated wastewater is mixed directly with surface or near-surface water and is drawn into aquifer recharge areas.

Percolation Tests

Percolation tests were conducted on the project site on August 8, 2003 to identify and verify a suitable onsite sewage disposal area for the proposed residential building site. The work was done in accordance with Santa Clara County Department of Environmental Health procedures. The results of the seven percolation tests are included in the Technical Appendix.

Water Supply

The project site is located outside the City's Urban Service Area; there are no existing water lines in the project site vicinity. The closest water lines are City of San Jose Municipal Water System lines in Bailey Avenue and San Jose Water Company lines in Harry Road at McKean Road, approximately 2.5 miles and 5.0 miles, respectively, to the north. Both of these locations are within the City's Urban Service Area. There is an existing domestic water well on the project site that serves Parcel 1 and has the capacity to serve a second home. A new water delivery system would be required to transport the water to the proposed second parcel.

Storm Drainage Facilities

The project site is located outside the City's Urban Service Area; there are no existing City storm drainage facilities in the project site vicinity. The closest City storm drainage facilities are located in Bailey Avenue and in Harry Road at McKean Road, approximately 2.5 miles and 5.0 miles, respectively, to the north. Both of these locations are within the City's Urban Service Area.

Solid Waste / Recycling

Residential solid waste disposal service for the project site is provided by the City of San Jose, using GreenTeam of San Jose and/or Norcal. They are currently using the Newby Island sanitary landfill disposal site operated by International Disposal Company. The landfill area has an estimated service life of 30 years. An unlimited residential recycling program in the City currently results in an approximately 50 percent reduction in residential solid waste that typically required disposal in a landfill.

Gas and Electric Service

Electric service for San Jose is provided by Pacific Gas and Electric Company; there are existing services in the area. There is no natural gas service to the area, however; propane gas is available from private companies.

Telephone Service

Telephone service for the project site is provided by SBC. There is existing service in the area.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on utilities and service systems if it would:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- Comply with federal, state and local statutes and regulations related to solid waste.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		91
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X			28,81,91
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		28
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		28,81,93

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	28
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		28
g. Comply with federal, state and local statutes and regulations related to solid waste?			X		28

Wastewater Treatment

Future residents of the proposed residence on Parcel 2 would generate wastewater requiring onsite treatment and disposal. Percolation tests were conducted on the site in August, 2003 to determine the feasibility of installing a leaching system to meet Santa Clara County Department of Environmental Health requirements. As stated in the County letter in the Technical Appendix, based on the reported percolation rate and a project proposal of 4 bedrooms and less than 4,500 square feet of living space, a 1,500-gallon septic tank and 350 linear feet for each half of a dual leachfield, or 700 feet total, would be required. Based on the tests performed and the onsite sewage system design plans, the County Department of Environmental Health has determined the project has an adequate onsite sewage disposal system.

Water Supply

The project site is located outside the City's Urban Service Area; there are no existing water lines in the project site vicinity. The closest lines are over 2.5 miles to the north, within the City's Urban Service Area. Domestic water would be supplied by the existing well on the site that serves Parcel 1. A one-inch-line would run from the well to a 5,000-gallon fire protection water storage tank and to the house. Based on the well test and pump yield results of 12 gallons per minute completed by Maier & Dougherty on July 24, 2003, the property was determined by the County of Santa Clara Department of Environmental Health, in their letter in the Technical Appendix, to have an adequate supply of water for the proposed project. The existing well and proposed water lines are shown on the Conceptual Site Plan, Figure 12. Built-in water savings devices such as shower heads with flow control devices and low flush toilets would reduce water usage.

Storm Drainage Facilities

An increase in impervious surfaces associated with project development would cause an increase in stormwater runoff. Storm drainage for the project site is provided by overland flow. A curb along one side of the driveway would be included in the project.

Solid Waste / Recycling

Residential solid waste disposal service for the project site is provided by the City of San Jose. The project is estimated to generate up to approximately 2 tons of solid waste per year, based on 3.0 pounds per person per day; however, with recycling, the amount disposed of in a landfill could be reduced to approximately 1 ton per year.

Gas and Electric Service

There are existing Pacific Gas and Electric Company electric services in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service. Propane gas is available from private companies.

Telephone Service

There are existing SBC telephone facilities in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Wastewater Treatment

- An onsite sewage disposal system, including septic tank and subsurface leaching system, shall be installed and operated in accordance with the regulations of the Santa Clara County Department of Environmental Health in conjunction with general region-wide requirements established by the San Francisco Bay Regional Water Quality Control Board's "*Minimum Guidelines*."

Project Measures

Water Supply

- A shared water system using the existing water well shall be designed and constructed as approved by the Santa Clara County Department of Environmental Health.

17. MANDATORY FINDINGS OF SIGNIFICANCE

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal or (6) eliminate important examples of the major periods of California history or prehistory?		X		
b. Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects.			X	
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

Impact Summary

As discussed in previous sections, the proposed project would have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, with respect to air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and wastewater treatment. With the implementation of the previously listed Mitigation Measures Included in the Project, these impacts would be reduced to less-than-significant impacts with mitigation.

ENVIRONMENTAL CLEARANCE APPLICATION

APPLICANT'S CERTIFICATION

APPLICANT	Patrick and Patti Young
PROJECT TITLE	YOUNG PROPERTY
PROJECT LOCATION	Westerly side of McKean Road, approximately 1.5 miles south of Bailey Avenue (23735 McKean Road)

I hereby certify that the statements furnished about and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

If, to my knowledge, any of the facts represented here change, it is my responsibility to inform the City of San Jose.

Date

Applicant

APPENDIX

Authors and Consultants

Mindigo & Associates

Environmental Consultants

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Although Mindigo & Associates have used their best efforts to prepare a complete and competent report, Mindigo & Associates shall not be liable for cost or damage to any project due to judicial or administrative action, whether or not such action is based on the form or content of this report or portion prepared by Mindigo & Associates. Any services of staff or subconsultants of Mindigo & Associates required by any party in any litigation on or related to this report shall be paid for by the party requesting such services at the current, standard consulting rates of Mindigo & Associates.

ENVIRONMENTAL CLEARANCE / EIR

DISCLOSURE STATEMENT

APPLICANT Patrick and Patti Young

PROJECT TITLE YOUNG PROPERTY

PROJECT LOCATION Westerly side of McKean Road, approximately 1.5 miles south of Bailey Avenue (23735 McKean Road)

Mindigo & Associates has prepared the above Environmental Clearance Application / Initial Study or Draft Environmental Impact Report, doing business as:

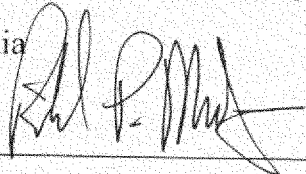
An Individual

The above-named, now has or will have the following direct or indirect economic interest or interests in the development of, or, after its completion, the operation of the project for which the attached Environmental Clearance Application / Initial Study or Draft EIR has been submitted:

None, Except Fees For The Preparation Of Environmental Studies

I/We declare, under penalty of perjury, that the statements furnished above pertaining to the environmental effects of a proposed project and to my/our economic interest or interests in that project are complete, true and correct to the best of my/our knowledge and belief.

Executed on December 17, 2004 at San Jose, California



Mindigo & Associates
Environmental Consultants
1984 The Alameda
San Jose, CA 95126

In order to achieve maximum objectivity in the Environmental Review process, the City requires persons, including individuals, firms, associations, partnerships, trusts, corporations, or companies, who submit to the City applications for Environmental Clearance, or who submit to the City a proposed Draft EIR, to disclose any economic interest in the project which they have derived or will or might derive from the development of, or, after its completion, the operation of the project. This application shall apply to consultants and subcontracted consultants who prepare all, or portions of, the Environmental Clearance document or the proposed Draft EIR. Each proponent, consultant, and subcontracted consultant shall prepare a disclosure statement as presented in this application.

You have an indirect economic interest in the project if your spouse or dependent child or agent acting on your behalf owns or otherwise has an economic interest in the site upon which the project is to be developed or if your spouse or dependent child or agent acting on your behalf has a present or future economic interest in the development of, or, after its completion, operation of the project. Briefly but specifically describe each of your direct and indirect economic interests in the project. You need but disclose the nature of your economic interest in the project, not the amount of said interest. If you have no interest, simply write "none" in the space provided.

Persons and Organizations Consulted

1. **Patrick Young**, Applicant
2. **Gary Carnes**, Land Surveyor, Carnes & Associates
3. **Jodie Clark**, AICP, Senior Planner, Department of Planning, Building and Code Enforcement, City of San Jose
4. **Michael Bills**, Senior Planner, Department of Planning, Building and Code Enforcement, City of San Jose
5. **Aneesa Pasillas**, Business Office Technician, Facilities Department, Morgan Hill Unified School District
6. **Brad Brown**, Park Planner, Park Planning and Development Department, Architectural Engineering Division, City of San Jose
7. **Walter S. Fujczak**, Fire Protection Engineer, Fire Protection Planning, San Jose Fire Department
8. **Karen Mack**, Principal Engineering Technician, Transportation Division, Public Works Department, City of San Jose
9. **Jose Uribe**, Associate Engineering Technician, Development Services Division, Department of Public Works, City of San Jose
10. **Sami Areikat**, Sanitary Engineer, Environmental Services Department, City of San Jose
11. **Skip Lacaze**, Senior Environmental Specialist, Office of Environmental Management, City of San Jose
12. **Gas and Electrical Mapping Departments**, Pacific Gas and Electric Company
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87. **Supplemental Information, Preliminary Geologic Hazard Assessment, Proposed Two Parcel Subdivision, 23735 McKean Road (APN 742-11-011)**, Hydro-Geo Consultants, Inc., October 10, 2004
88. **Soil and Foundation Investigation for One Single-Family Residence Construction Located at McKean Road APN 742-11-011, Parcel 2, San Jose, California**, Acre Soil Engineering, November 3, 2004
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90. **Percolation Tests, 23735 McKean Road, San Jose**, Environmental Concepts, August 20, 2003
91. **Sewage Disposal System Sizing for 23735 McKean Road, San Jose, CA 95141**, County of Santa Clara Department of Environmental Health, November 25, 2003
92. **Proposed Septic System Located at 23735 McKean Road, San Jose (APN 742-11-011)**, County of Santa Clara Department of Environmental Health, October 20, 2004
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Click here for [Map of Biotic Habitat Impacts](#)

TECHNICAL APPENDIX

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Copies of the following consultants' reports, which were prepared for the **YOUNG PROPERTY** and are summarized in this Environmental Clearance Application / Initial Study, are included in this Technical Appendix.

Young Property Biotic Assessment, Live Oak Associates, Inc., May 11, 2004

Preliminary Geologic Assessment Update, Proposed Subdivision of Parcel 2, 23735 McKean Road (APN 742-11-011), San Jose, Santa Clara County, California, Hydro-Geo Consultants, Inc., July 10, 2003

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Proposed Septic System Located at 23735 McKean Road, San Jose (APN 742-11-011), County of Santa Clara Department of Environmental Health, October 20, 2004

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